

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

*Plaintiff,*

*vs.*

Case No. 97-CR-98 (JPS)

RANDALL MILLER,

*Defendant.*

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**SUPPLEMENT TO MILLER'S MOTION FOR COMPASSIONATE RELEASE**

Pending before the Court is Miller's motion for compassionate release. It's been fully briefed and is ready for a decision. Central to Miller's motion is the COVID-19 pandemic and the dangers COVID-19 poses to Miller in particular. As the Court knows, Miller is serving his sentence at Springfield MCFP. Part of the government's argument in support of its position was that Springfield has done an "excellent job" of protecting the inmate population. R. 2233 at 9. Indeed, at the time the government responded, Springfield had just three cases. *Id.*

Unfortunately, the types of outbreaks seen at other facilities have now hit Springfield. According to the BOP, Springfield currently has 176 positive inmates and 34 positive staff. 67 inmates and 51 staff have recovered (i.e., they are no longer

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positive). Bureau of Prisons, Coronavirus (last viewed November 9, 2020).<sup>1</sup> It is currently the third most infected prison in the federal prison system. But the most striking development is that within the last few days, the BOP has reported four deaths at Springfield. Bureau of Prisons, Press Releases (last viewed November 9, 2020).<sup>2</sup>

On November 4, BOP reported that on October 25, Colin Bosby tested positive for COVID-19. Bureau of Prisons, Inmate Death at MCFP Springfield (November 4, 2020).<sup>3</sup> He was placed in medical isolation. *Id.* On October 31, he was found dead, presumably alone in his cell. *Id.* On November 2, 2020, another inmate, Gary Tubby, went into cardiac arrest. Bureau of Prisons, Inmate Death at MCFP Springfield (November 5, 2020).<sup>4</sup> He was transported to the hospital where he tested positive for COVID-19. *Id.* Two days later, he died. *Id.*

Respectfully, the outbreak at Springfield, and the shocking circumstances surrounding these two COVID-19 deaths, reflect that the BOP is not doing an excellent job protecting the people in its care. The inmates at MCFP Springfield are the most vulnerable inmates within the BOP. These circumstances underscore Miller's concern that he's more likely to contract COVID-19 in his prison and more likely to

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<sup>1</sup> <https://www.bop.gov/coronavirus/>.

<sup>2</sup> [https://www.bop.gov/resources/press\\_releases.jsp](https://www.bop.gov/resources/press_releases.jsp)

<sup>3</sup> [https://www.bop.gov/resources/news/pdfs/20201104\\_press\\_release\\_spg.pdf](https://www.bop.gov/resources/news/pdfs/20201104_press_release_spg.pdf)

<sup>4</sup> [https://www.bop.gov/resources/news/pdfs/20201105\\_press\\_release\\_spg.pdf](https://www.bop.gov/resources/news/pdfs/20201105_press_release_spg.pdf)

die if does. To the extent this updated information might impact the Court's analysis, the defense believes it is important information for the Court to have.

Dated at Milwaukee, Wisconsin, this 9th day of November, 2020.

Respectfully submitted,

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